

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No.05-10004-PBS
)	
OLEKSIY SHARAPKA)	

ASSENTED-TO MOTION TO CONTINUE
PRE-TRIAL HEARING

Counsel respectfully requests a continuance of the August 16, 2005 pre-trial hearing. As reasons for this request counsel states he is in the process of speaking with AUSA Seth Berman about resolving this case by plea. Discussions include possible transfer and resolution of a similar matter in the District Court of Atlanta, Georgia. Present counsel has been recently retained and seeks this continuance to be able to better inform the Court as to whether a trial is necessary. Assistant U.S. Attorney Seth Berman assents to this request.

Both parties agree that this time period should be deemed excludable in the interests of justice.

Dated: August 15, 2005

Respectfully Requested,

/s/ Frank Fernandez

Frank J. Fernandez, BBO #653771
Denner O'Malley, LLP
Four Longfellow Place, 35th Floor
Boston, MA 02114
Tel. (617) 227-2800

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was served this 15th day of August, 2005, via electronic delivery to the Clerks Office of the United States District Court and by e-mail delivery to AUSA Seth Berman at the U.S. Attorney's Office.

/s/ Frank Fernandez

Frank Fernandez